

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	<b>Agency No.</b>	<b>Rule No.</b>	<b>Section No.</b>
<b>Utah Admin. Code Ref (R no.):</b>	<b>R</b> 156	- 55b	-
<b>Changed to Admin. Code Ref. (R no.):</b>	<b>R</b>	-	-

<b>1.</b>	<b>Agency:</b>	Commerce/Division of Occupational and Professional Licensing		
	<b>Room no.:</b>			
	<b>Building:</b>	Heber M. Wells Building		
	<b>Street address 1:</b>	160 East 300 South		
	<b>Street address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84111-2316		
	<b>Mailing address 1:</b>	PO Box 146741		
	<b>Mailing address 2:</b>			
	<b>City, state, zip:</b>	Salt Lake City UT 84114-6741		
	<b>Contact person(s):</b>			
	<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
	Steve Duncombe	801-530-6235	801-530-6511	sduncombe@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

<b>2.</b>	<b>Title of rule or section (catchline):</b>
	Electricians Licensing Act Rule
<b>3.</b>	<b>Type of notice:</b>
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____
<b>4.</b>	<b>Purpose of the rule or reason for the change:</b>
	The Division, Electricians Licensing Board and Construction Services Commission are proposing amendments to the rule to make minor technical corrections, reference applicable administrative penalties for unlawful and unprofessional conduct and provide clarification relating to the supervision and conduct of licensees.
<b>5.</b>	<b>This change is a response to comments from the Administrative Rules Review Committee.</b>
	No XXXX; Yes ____
<b>6.</b>	<b>Summary of the rule or change:</b>

	<p>Section 302c: Proposed amendments update the admission requirements to sit for required electrical exams and remove the requirement to obtain preapproval from the Division. Additionally, in paragraph (5), the term "on or after December 31, 2010" is deleted since it is no longer applicable and paragraph (5)(b) is deleted as it is also no longer applicable.</p> <p>Section 305: This new section provides the requirements for licensure by endorsement are identified in Section 58-1-302. Section 401: Proposed amendments define and clarify the conduct of the apprentice and supervising electrician as it relates to Subsection 58-55-302(3)(j). Section 501: Proposed amendments add as unprofessional conduct, failing as a licensee to comply with the supervision requirements established by Subsection 58-55-302(3)(j), and updates other language in the section to maintain consistency. Section 502: This new section is added to reference the applicable administrative penalties applicable to licensees and other persons governed by this rule.</p>		
7.	<b>Aggregate anticipated cost or savings to:</b>		
	<b>A) State budget:</b>		
	<b>Affected:</b>	No ____; Yes XXX	
	The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.		
	<b>B) Local government:</b>		
	<b>Affected:</b>	No XXX; Yes ____	
	The proposed amendments only apply to various classifications of licensed electricians and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.		
	<b>C) Small businesses</b> ("small business" means a business employing fewer than 50 persons):		
	<b>Affected:</b>	No XXX; Yes ____	
	The proposed amendments only apply to various classifications of licensed electricians and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.		
	<b>D) Persons other than small businesses, businesses, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):		
	<b>Affected:</b>	No XXX; Yes ____	
	The proposed amendments only apply to various classifications of licensed electricians and applicants for licensure in those classifications. The Division anticipates that these proposed amendments will not result in additional encumbrances for any party beyond what is currently identified by statute or rule.		
8.	<b>Compliance costs for affected persons:</b>		
	The proposed amendments only apply to various classifications of licensed electricians and applicants for licensure in those classifications. The Division anticipates no additional costs or savings as a result of the proposed amendments.		
9.	<b>A) Comments by the department head on the fiscal impact the rule may have on businesses:</b>		
	This filing incorporates several statutory and rule sections that apply to licensed electricians. In addition, it clarifies the point at which a prospective licensee is authorized to take the license examination and the type of supervision that must be exercised over an apprentice. The substantive amendments govern the licensing process for individuals; therefore, no fiscal impact to businesses is anticipated.		
	<b>B) Name and title of department head commenting on the fiscal impacts:</b>		
	Francine A. Giani, Executive Director		
10.	<b>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</b>		
	<b>State code or constitution citations (required)</b> (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	
	Subsection 58-55-308(1)		
11.	<b>This rule adds, updates, or removes the following title of materials incorporated by references</b> (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i> ):		
		<b>First Incorporation</b>	<b>Second Incorporation</b>
	<b>Official Title of Materials Incorporated (from title page)</b>		

	<b>Publisher</b>		
	<b>Date Issued</b>		
	<b>Issue, or version</b>		
	<b>ISBN Number (optional)</b>		
	<b>ISSN Number (optional)</b>		
	<b>Cost of Incorporated Reference</b>		
	<b>Action: Adds, updates, or removes</b>		
	(If this rule incorporates more than two items by reference, please attach additional pages)		
<b>12.</b>	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	<b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b>	08/14/2014	
	<b>B) A public hearing (optional) will be held:</b>		
	<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
	07/30/2014	9:00 AM	160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah
<b>13.</b>	<b>This rule change may become effective on (mm/dd/yyyy):</b>		08/21/2014
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
<b>14.</b>	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency:		
	occupational licensing	licensing	
	contractors	electricians	
<b>15.</b>	<b>Attach an RTF document containing the text of this rule change (filename):</b>		R156-55b.pro
<b>To the agency:</b> Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
<b>AGENCY AUTHORIZATION</b>			
<b>Agency head or designee, and title:</b>	Mark B. Steinagel by W. Ray Walker, Acting Director	<b>Date (mm/dd/yyyy):</b>	06/23/2014

**R156. Commerce, Occupational and Professional Licensing.**

**R156-55b. Electricians Licensing Act Rule.**

**R156-55b-302c. Qualifications for Licensure - Examination Requirements.**

(1) In accordance with Subsection 58-55-302(1)(c)(i), an applicant for licensure under this rule shall pass the appropriate examinations that are approved by the Board, each of which shall consist of a theory part, a code part and a practical part as follows:

(a) Utah Electrical Licensing Examination for Master Electricians;

(b) Utah Electrical Licensing Examination for Master Residential Electricians;

(c) Utah Electrical Licensing Examination for Journeyman Electricians; and

(d) Utah Electrical Licensing Examination for Residential Journeyman Electricians.

(2) ~~[Upon completing the requirements for licensure set forth in Sections R156-55b-302a and R156-55b-302b, the applicant shall obtain approval from the Division permitting the applicant to take the examination.]~~ Admission to the examinations is permitted after the applicant has completed all requirements for licensure set forth in Sections R156-55b-302a and R156-55b-302b.

(3) The applicant shall obtain a "pass" grade on the practical part of the examination, a score of at least 75% on the theory part and a score of at least 75% on the code part of the examination.

(4)(a) If an applicant fails one or more parts of the examination, the applicant shall retake any part of the examination failed.

(b) An applicant shall wait at least 25 days between the first two retakes and thereafter shall wait 120 days between retakes.

(5) ~~[(a) On or after December 31, 2010, i]~~ If an applicant passes any part of the examination but does not pass the entire examination, the passing score on any part of the examination shall be valid for one year from the date the part of the examination was passed. Thereafter, the applicant shall retake any previously passed part of the examination.

~~[(b) Prior to December 31, 2010, if an applicant passed any part of the examination but did not pass the entire examination, the applicant may use any previously passed part of the examination to pass the entire examination until December 31, 2011. Thereafter, the applicant shall retake the entire examination to support any subsequent application for licensure.]~~

**R156-55b-305. Licensure by Endorsement.**

The Division may issue a license by endorsement in accordance with the provisions of Section 58-1-302.

**R156-55b-401. Conduct of Apprentice and Supervising Electrician.**

~~[(1) It shall be the responsibility of the journeyman, residential journeyman, master or residential master electrician who is licensed by the Division to insure that the work installed by any apprentice under his~~

~~supervision, is properly installed. Proper and safe installations shall be the responsibility of the supervising party or parties.~~

~~— (2) An apprentice may be supervised as a fourth year apprentice in the fifth and sixth year of apprenticeship. In the seventh and succeeding years of apprenticeship, he shall be under immediate supervision as set forth in Subsection 58-55-302(3)(j)(i).~~

~~— (3) All other apprentices shall be under immediate supervision as set forth in Subsection 58-55-302(3)(j).~~

(1) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with Subsection 58-55-302(3)(j), Sections 58-55-501, 58-55-502, and R156-55b-501.

([4]2) For the purposes of Subsections 58-55-102(31), 58-55-[501(12)]302(3)(j) and 58-55-[302(3)(j)]501(12), one of the following shall apply:

(a) the supervisor and apprentice employees [are]shall be employees of the same electrical contractor;

(b) [the supervisor and apprentice employees providing work or supervision of work for another electrical contractor are considered as employees of the electrical contractor on the project; or

— (c) the employees of a licensed professional organization who provide workers under a contract with an electrical contractor are considered as employees of the electrical contractor with regard to the work performed on the project.]the electrical contractor may contract with a licensed professional employer organization to employ such persons.

(3) An apprentice in the fourth through sixth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period. In the seventh and succeeding years of training, the nonsupervision provision no longer applies and the apprentice shall be under immediate supervision as set forth in Subsection 58-55-302(3)(j).

#### **R156-55b-501. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) failing as a licensee to comply with the supervision requirements established by Subsection 58-55-302(3)(j).

(2) fail[ure of]ing as a licensee to carry a copy of a current license at all times when performing electrical work;

([2]3) fail[ure of]ing as an electrical contractor to certify an electrician's hours and breakdown of work experience by category when requested by an electrician who is or has been an employee; and

([3]4) fail[ure of]ing as a licensee to provide proof of completed continuing education within 30 days of the Division's request.

#### **R156-55b-502. Administrative Penalties.**

(1) The administrative penalties defined in Section R156-55a-503 of the Utah Construction Trades Licensing Act Rule are hereby adopted as the administrative penalties applicable under this rule.

(2) The administrative penalty for a violation of Subsection 58-1-

501(2)(o) under this rule shall be in accordance with Section R156-1-502.

**KEY: occupational licensing, licensing, contractors, electricians**

**Date of Enactment or Last Substantive Amendment: [~~September 12, 2011~~]2014**

**Notice of Continuation: October 4, 2011**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-308(1)**